

House File 2385 - Reprinted

HOUSE FILE 2385
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2157)

(As Amended and Passed by the House March 12, 2014)

A BILL FOR

1 An Act relating to state agency decision making.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.3, subsection 1, paragraph a, Code
2 2014, is amended to read as follows:

3 a. (1) Adopt as a rule a description of the organization of
4 the agency which states the general course and method of its
5 operations, the administrative subdivisions of the agency and
6 the programs implemented by each of them, a statement of the
7 mission of the agency, and the methods by which and location
8 where the public may obtain information or make submissions or
9 requests.

10 (2) Each board, commission, or other multimember agency
11 shall follow Robert's rules of order in governing the conduct
12 of agency meetings unless it is inconsistent with Iowa law.

13 Sec. 2. Section 17A.4, subsection 1, paragraph b, Code 2014,
14 is amended to read as follows:

15 b. (1) Afford all interested persons not less than twenty
16 days to submit data, views, or arguments in writing, including
17 in an electronic format. If timely requested in writing by
18 twenty-five interested persons, by a governmental subdivision,
19 by the administrative rules review committee, by an agency, or
20 by an association having not less than twenty-five members, the
21 agency must give interested persons an opportunity to make oral
22 presentation.

23 (2) The agency shall provide an opportunity to make these
24 oral presentations using the Iowa communications network
25 or other electronic means if a request is received from
26 twenty-five interested persons residing in the same city or
27 county.

28 (3) The opportunity for oral presentation must be held
29 at least twenty days after publication of the notice of its
30 time and place in the Iowa administrative bulletin. The
31 agency shall consider fully all written and oral submissions
32 respecting the proposed rule. Within one hundred eighty
33 days following either the notice published according to the
34 provisions of paragraph "a" or within one hundred eighty
35 days after the last date of the oral presentations on the

1 proposed rule, whichever is later, the agency shall adopt a
2 rule pursuant to the rulemaking proceeding or shall terminate
3 the proceeding by publishing notice of termination in the Iowa
4 administrative bulletin.

5 Sec. 3. Section 17A.4, subsection 2, Code 2014, is amended
6 to read as follows:

7 2. An agency shall include in a preamble to each rule it
8 adopts a specific reference to the Code section or sections
9 being implemented and a brief explanation of the principal
10 reasons for its action and, if applicable, a brief explanation
11 of the principal reasons for its failure to provide in that
12 rule for the waiver of the rule in specified situations
13 if no such waiver provision is included in the rule. This
14 explanatory requirement does not apply when the agency adopts a
15 rule that only defines the meaning of a provision of law if the
16 agency does not possess delegated authority to bind the courts
17 to any extent with its definition. In addition, if requested
18 to do so by an interested person, either prior to adoption
19 or within thirty days thereafter, the agency shall issue a
20 concise statement of the principal reasons for and against the
21 rule adopted, incorporating therein the reasons for overruling
22 considerations urged against the rule. This concise statement
23 shall be issued either at the time of the adoption of the
24 rule or within thirty-five days after the agency receives the
25 request.

26 Sec. 4. NEW SECTION. 17A.24 Rule implementation of federal
27 statute, regulation, or policy.

28 1. Except as otherwise explicitly authorized by state law,
29 an agency charged with the implementation of a federal statute,
30 regulation, or policy shall not implement the federal statute,
31 regulation, or policy in a manner that exceeds the specific
32 requirements of the federal statute, regulation, or policy.

33 2. Any portion of an agency rule or policy that implements
34 a federal statute, regulation, or policy and that exceeds the
35 specific requirements of the federal statute, regulation, or

1 policy is automatically superceded by the specific requirements
2 of that federal statute, regulation, or policy.